

AEC Bennoc- January 3, 2014 Proposed permit

January 15, 2014 conference call with OEPA

1. Ponds

- Reconstruction – construct & operate to eliminate all discharges unless a 25 year-24hour storm occurs- Condition N, page 19 must be re-written
- Flow control structures must be installed at both ponds to control and accurately measure flows
- Intermittent discharge footnote- need definition of intermittent
- OEPA must calculate Piney Creek flow conditions necessary to accept pond discharges (to prevent discharge during low flow conditions)

2. Monitoring

- Need lat/longs for proposed sampling points for upstream and downstream sampling (824, 825, and 925)
- Sampling point for downstream should be as close as possible to point where unnamed tributaries meet Piney Creek for both Ponds 023 and 024

3. General Effluent limits must apply to all discharges per Part III, item 2 and not as currently limited in Condition K, page 16

4. Whole Effluent Toxicity testing must occur for this permit , quarterly basis

5. Set aside- since permit includes groundwater as authorized effluent, and EPA considers effluent to be process wastewater how is OEPA considering the set aside for Captina Creek?

6. Condition M, page 19

- ORC rewrote M to make enforceable and meaningful (see below)

- Trigger sampling should include effluent sampling

#### M. TRIGGER FOR ADAPTIVE MANAGMENT CONDITIONS

If any of the following conditions occur, the permittee shall implement an adaptive management plan within 90 days of the triggering condition to bring the biological or chemical indicator within the trigger value.

The adaptive management plan is triggered if:

- 1) the biological assessment in Item L. above indicates an Invertebrate Community Index (ICI) value less than 32; or an Index of Biotic Integrity (IBI) value less than 40; or
- 2) If two or more measurements for total filterable residue (total dissolved solids) for effluent or at station 0IL00159925 exceed 1500 mg/l in any six month period; or
- 3) If any measurement for total filterable residue (total dissolved solids) for effluent or at station 0IL00159925 exceeds 2150 mg/l.

If a triggering event occurs again more than 90 days after the first occurrence of a triggering event, then each discharge that occurred between the date of the first triggering event and the subsequent triggering event shall be deemed to be a violation of this permit until such time as the permittee demonstrates that the biological or chemical indicator has been brought within the trigger value.